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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,203	06/16/2006	Rodolfo Panatta	06132-PCT-PA (0030.0558)	7731
72468 7590 06/30/2008 HODES, PESSIN & KATZ, P.A. 901 DULANEY VALLY ROAD, SUITE 400 BALTIMORE, MD 21204				
EXAMINER NGUYEN, TAM M				
ART UNIT		PAPER NUMBER		
3764				
MAIL DATE		DELIVERY MODE		
06/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,203

Applicant(s)

PANATTA, RODOLFO

Examiner

TAM NGUYEN

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/16/06 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "bearing pin" disclosed in claim 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

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In Page 1, on line 28 is the term "organisation". It should be deleted and replaced with --organization--.

In Page 2, on line 2 is the term "manoeuvring". It should be deleted and replaced with --maneuvering--.

Claim Objections

3. Claim 1 is objected to because of the following informalities:

In claim 1, the preamble is somewhat confusing. Applicant should clarify the subject matter. Examiner suggests the following substitution:

--1. An exercise machine having a handling device for transporting the machine, the exercise machine comprising:--

In claim 1, on line 1 is the phrase "wheels (4)". It should be replaced by --wheel (4)--.

In claim 1, on line 3, is the phrase "the front edge". It should be replaced by --a front edge--.

In claim 1, on line 4, is the phrase "the ground". It should be replaced by --a ground surface-- or --a support surface--.

In claim 1, on lines 4-5, is the phrase "machine characterised by the fact that it is equipped with" is somewhat unclear. It should be replaced with --machine having--. Appropriate corrections are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. In particular, in claim 1, on lines 5-6, the phrase --in opposite position with respect to the wheels-- is unclear. Claim 1 recites the limitation "the end of an arm" in line 6. There is insufficient antecedent basis for this limitation in the claim. The following phrases "spontaneously tends to descend" in line 7 and "it being provided that" in line 9 of claim 1 and line 7 of line 2 is unclear since it is not readily apparent what these phrases are referring to. In claims 2-4, the phrase "characterized by the fact that" is not a recognized transitional phrase in a claim. Applicant should substitute in -wherein-. In claim 2, on lines 3 and - respectively, it is not readily apparent what is meant by the phrase "immediately before the housing" and "with vertical axis fixed to the platform". Claim 2 recites the limitation "the horizontal plane" in line 6 and claim 3 recites "the axis of the arm". There is insufficient antecedent basis for these limitations in their respective claims. In claim 3, the phrase "in contrast with the rod" is unclear. Claims 2-4 are also rejected for being dependent on a rejected base claim. Appropriate corrections are required.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Davis et al. '865 disclose a rollable sports base having a retractable leg that includes a wheel attached thereto.

Kendall '738 and Wang '466 each discloses a frame having a retractable leg that includes a wheel attached thereto.

Helmbrock, Theising, Kato et al. and fullenkamp et al. disclose a bed frame, a dolly, a support and a carrier respectively, each having a spring biased retractable leg that includes a wheel attached thereto.

Maupin et al. discloses a spring biased retractable caster wheel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAM NGUYEN whose telephone number is (571)272-4979. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LoAn Thanh can be reached on 571-272-4966. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 22, 2008

/Tam Nguyen/
Examiner, Art Unit 3764

/LoAn H. Thanh/
Supervisory Patent Examiner, Art Unit 3764